

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SANTIAGO TURRIETA,**

**Plaintiff,**

**v.**

**No. CV 10-0192 WJ/LAM**

**ROBERT ULIBARRI, et al.,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court, *sua sponte* under 28 U.S.C. § 1915(e)(2) and Fed. R. Civ. P. 12(b)(6), on Plaintiff's ***Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (Doc. 1)***. Plaintiff is incarcerated, appears *pro se*, and is proceeding *in forma pauperis*. The complaint alleges that Defendants Lytle, Ritchie, Baca, Gallegos, and Vallejos seriously injured Plaintiff by unnecessary use of excessive force, and their actions resulted from a conspiracy to violate Plaintiff's constitutional rights. ***Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (Doc. 1)*** at 4-5, 6, 9-26. The complaint further alleges that Defendants Campos and Ulibarri deliberately delayed necessary medical treatment for Plaintiff's injuries. *Id.* at 26-27. Plaintiff contends that Defendants' actions violated his rights under the Fifth, Eighth, and Fourteenth Amendments. *Id.* at 18, 20, 23, 25-26, 27. Plaintiff seeks damages. *Id.* at 27. Plaintiff's allegations against the named Defendants survive initial scrutiny under Fed. R. Civ. P. 12(b)(6) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (requiring that a complaint contain "enough facts to state a claim to relief that is plausible on its face").

**IT IS THEREFORE ORDERED** that the Clerk is directed to issue notice and waiver of service forms, with copies of the complaint, for Defendants.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTINEZ**  
**UNITED STATES MAGISTRATE JUDGE**